

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DENISSE MIRA,

Plaintiff(s),

-against-

MAXIMUM RECOVERY SOLUTIONS, INC.,

Defendant(s).

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WILLIAM D. WALL, United States Magistrate Judge:

Plaintiff filed her complaint in this action on March 2, 2011. *See* Docket Entry (“DE”) [1]. Subsequently, the court received a document dated April 11, 2011 that purported to be “Defendant’s Answer to Plaintiff’s Complaint.” *See* DE [2]. The Answer was signed by Carlos Diaz, Chief Executive Officer of the corporate defendant, with no indication that Mr. Diaz is an attorney. On June 1, 2011, I issued an order advising defendant that as a corporation, it may only appear through counsel, and directing defendant to retain counsel by July 15, 2011 or risk entry of a default judgment against it. *See* Order of 6/1/11, DE [3]. A copy of this Order was served upon defendant. *See* Aff. of Service, DE [4]. Despite this warning and the passing of the court imposed deadline, defendant has not retained counsel or contacted the court in any way.

Plaintiff has submitted a motion for sanctions and requests “30-60 days in order to settle the matter.” *See* Motion, DE [7]. Alternatively, plaintiff seeks entry of a default against defendant. It is recommended that plaintiff’s motion be granted to the extent that defendant’s answer should be stricken and a default entered against it. Plaintiff may then submit papers in support of her damages.

A copy of this Report and Recommendation is being sent to counsel for plaintiff by electronic filing on the date below. Plaintiff is directed to immediately serve a copy upon defendant and to electronically file proof of service with the court. Any objections to this Report and Recommendation must be filed with the Clerk of the Court within 14 days. *See* 28 U.S.C. §636 (b)(1); Fed. R. Civ. P. 72; Fed. R. Civ. P. 6(a) and 6(d). Failure to file objections within this period waives the right to appeal the District Court’s Order. *See Ferrer v. Woliver*, 2008 WL 4951035, at *2 (2d Cir. Nov. 20, 2008); *Beverly v. Walker*, 118 F.3d 900, 902 (2d Cir. 1997); *Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

Dated: Central Islip, New York
August 19, 2011

/s/ William D. Wall
WILLIAM D. WALL
United States Magistrate Judge